	Application No.	Applicant(s)
Notice of Allowability	09/645,279	BAKER ET AL.
	Examiner	Art Unit
	Mary J. Steelman	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Amendment dated 20 July 2004*.

2. ☒ The allowed claim(s) is/are *1-13,15,16,18 and 19*.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date *14 October 2004*.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *14 October 2004* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

ANTONY NGUYEN-BA
PRIMARY EXAMINER

DETAILED ACTION

1.   This action is in response to Amendment dated 20 July 2004 and phone interview held 14

October 2004.

2.   Claims 14 and 17 have been canceled. Per Amendment dated 20 July 2004, claims 1, 2,

5-8, 10, 13, 16, and 18 have been amended. Additionally, as noted below, via an Examiner's

Amendment, claims 1, 2, 5-8, 10, 13, 16, and 18 are further amended, and claim 17 is cancelled.

Thus, claims 1-13, 15, 16, 18, and 19 are pending.

Drawings

3.   Formal Drawings must be submitted. New corrected drawings in compliance with

37 CFR 1.121(d) are required in this application because drawings on file are informal.

Applicant is advised to employ the services of a competent patent draftsperson outside the

Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected

drawings are required in reply to the Office action to avoid abandonment of the application. The

requirement for corrected drawings will not be held in abeyance.

4.   **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired

changes and which comply with 37 CFR 1.84. An explanation of the changes made must be

presented either in the drawing amendments, or remarks, section of the amendment. Any

replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR

1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet,

even though only one figure may be amended. The figure or figure number of the amended

drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not

accepted by the examiner, applicant will be notified of any required corrective action in the next

Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and

application number, or docket number (if any) if an application number has not been assigned to

the application. If this information is provided, it must be placed on the front of each sheet and

centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes

made, may be submitted or required by the examiner. The annotated drawing sheets must be

clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the

Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will

result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings

MUST be filed within the THREE MONTH shortened statutory period set for reply in the

"Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37

CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

5.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

     Authorization for this examiner's amendment was given in a telephone interview with

David W. Rouille, Esq., Reg. No. 40,150 on 14 October 2004. The application has been amended

as follows:

IN THE CLAIMS:

1. (Currently amended) A method of providing a software testing service comprising the steps
of:

receiving, by a service provider, at least one reusable object oriented software component
to be tested from a customer, wherein the at least one reusable object oriented software
component includes software instructions;

providing, by said service provider, test code for testing said at least one reusable object
oriented software component and wherein said step of providing further comprises the step of
determining the parameters of the data sets to test a reusable object oriented software component
by examining the interface of each method in the reusable object oriented software component
and determining what inputs and outputs must be specified for that reusable object oriented
software component;

testing with said test code said at least one reusable object oriented software component;

monitoring, by said service provider, results of said testing; and

providing, by said service provider, the results of said testing of said reusable object
oriented software component to said customer.

2. (Currently amended) The method of claim 1 further comprising the step of charging said
customer for providing said reusable object oriented software component testing service.

3. (Original) The method of claim 2 wherein said step of charging is performed on a per session basis.

4. (Original) The method of claim 2 wherein said step of charging is performed on a periodic basis.

5. (Currently amended) The method of claim 1 wherein said step of receiving the at least one reusable object oriented software component to be tested is done over a network.

6. (Currently amended) The method of claim 5 wherein said step of receiving the at least one reusable object oriented software component to be tested is done over a TCP/IP network.

7. (Currently amended) The method of claim 5 wherein said step of receiving the at least one reusable object oriented software component to be tested is done over the Internet.

8. (Currently amended) The method of claim 1 wherein said step of receiving the at least one reusable object oriented software component to be tested further comprises the step of receiving directions regarding the type of testing to be done on said at least one reusable object oriented software component.

9. (Original) The method of claim 8 wherein said step of receiving directions regarding the type of testing to be done is selected from the group consisting of functional testing, regression testing, load testing and compliance testing.

10. (Currently amended) The method of claim 1 wherein said step of receiving the at least one reusable object oriented software component to be tested further comprises the step of receiving directions regarding how to process results from said testing.

11. (Original) The method of claim 1 wherein at least a portion of the results from said testing is provided in a pass/fail format.

12. (Original) The method of claim 1 wherein at least a portion of the results from said load testing are provided in a graphical format.

13. (Currently amended) The method of claim 1 wherein said at least one reusable object oriented software component to be tested comprises an reusable object oriented software component which can be interpreted by a web browser.

14. Previously Cancelled.

15. (Original) The method of claim 1 wherein said software testing service is provided as a web site.

16. (Currently amended) The method of claim 1 wherein said step of providing further

comprises the step of providing access to multiple containers for testing the performance of said

reusable object oriented software component in different ones of said multiple containers,

wherein each of the multiple containers comprises one or more portions of software code

associated with one or more respective application servers.

17. Cancelled

18. (Currently amended) The method of claim 1 wherein said step of testing further comprises

the step of testing selected ones of the at least one reusable object oriented software components

typically used through a graphical user interface by building test drivers for the selected ones of

the at least one reusable object oriented software components and testing without the graphical

user interface.

19. (Previously Presented) The method of claim 1 further comprising the step of using a test

warehouse to store test data for customers for later use by the customers.

Allowable Subject Matter

6.   Claims 1-13, 15, 16, 18, and 19 are allowed.

7.   The following is an examiner's statement of reasons for allowance:

As Applicant has pointed out on page 6, 4th and 5th paragraphs of Remarks/Amendment filed 20

July 2004, "The components of Guheen are not the same components claimed in the present

application. The present application relates to testing of object oriented software components."

In contrast, the closest prior art, "Guheen discloses testing the operability of system

applications." In a phone interview initiated by the Examiner, agreement was made to more

specifically claim the invention by amending claim 1 to include elements formerly in claim 17.

        Thus the limitations:

        "receiving, by a service provider, at least one reusable object oriented software

component to be tested from a customer, wherein the at least one reusable object oriented

software component includes software instructions;

        providing, by said service provider, test code for testing said at least one reusable object

oriented software component and wherein said step of providing further comprises the step of

determining the parameters of the data sets to test a reusable object oriented software component

by examining the interface of each method in the reusable object oriented software component

and determining what inputs and outputs must be specified for that reusable object oriented

software component" of independent claim 1 are not found in the prior art of record and would

not have been obvious.

Therefore, all remaining dependent claims, claims 2-13, 15, 16, 18, and 19 are allowed.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The

examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan

Dam can be reached on (703) 305-4552. The fax phone number for the organization where this

application or proceeding is assigned is 703-872-9306.

After October 25, 2004, examiner can be reached at new telephone number (571) 272-

3704. Supervisor, Tuan Q. Dam can be reached at (571) 272-3694.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

10/14/2004

ANTONY NGUYEN-BA
PRIMARY EXAMINER